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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)

)
Amendment of Section 2.106 of the
Commission's Rules To Allocate
Spectrum at 2 GHz for Use
by the Mobile-Satellite Service)

ET Docket No. 95-18

COMMENTS OF THE PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION

The Personal Communications Industry Association ("PCIA"),¹ by its attorneys, hereby submits its comments in response to the Commission's Third Notice of Proposed Rule Making in the above-captioned docket.² On behalf of its members, PCIA is vitally interested in the proposals of the *Third Notice* regarding the reallocation and licensing of the 2110-2150 MHz band, and these comments address that topic.

¹ PCIA is an international trade association established to represent the interests of the commercial and private mobile radio service communications industries and the fixed broadband wireless industry. PCIA's Federation of Councils includes: the Paging and Messaging Alliance, the PCS Alliance, the Site Owners and Managers Association, the Association of Wireless Communications Engineers and Technicians, the Private Systems Users Alliance, the Mobile Wireless Communications Alliance, and the Wireless Broadband Alliance. As an FCC-appointed frequency coordinator for the Industrial/Business Pool frequencies below 512 MHz, the 800 MHz and 900 MHz Business Pools, the 800 MHz General Category frequencies for Business Eligibles and conventional SMR systems, and the 929 MHz paging frequencies, PCIA serves the interests of tens of thousands of FCC licensees.

² Memorandum Opinion and Order and Third Notice of Proposed Rule Making and Order, FCC 98-309 (rel. Nov. 25, 1998) ("*Third Notice*").

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Pursuant to the 1997 Budget Act,³ the Commission must reallocate 2110-2150 MHz, currently licensed for fixed microwave operations, for assignment by competitive bidding by September 30, 2002.⁴ To achieve that objective, the Commission has proposed “to reallocate the 2110-2150 MHz band for Fixed and Mobile Services for assignment by competitive bidding.”⁵

PCIA urges the Commission to ensure that this spectrum can be used for third generation (“3G”) wireless services. The Commission already has solicited comments concerning spectrum needs for 3G wireless services.⁶ While existing first and second generation wireless technologies currently provide consumers with a wide array of communications services, 3G technology will increase the scope of offerings to include additional high speed, high bandwidth products and services. Access to 3G services will be important to American consumers so that wireless services will better meet consumers’ evolving telecommunications needs. As PCIA has previously pointed out to the Commission, the convergence of wireless communications and the Internet “likely will result in the U.S. leading the worldwide demand for broadband wireless service offering such as video telephony, digital quality audio, full motion video for the workplace, security systems, and telemedicine.”⁷ American consumers view wireless

³ Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251 § 3002(c) (1997).

⁴ See *Third Notice*, ¶¶ 7, 30.

⁵ *Id.*, ¶ 30.

⁶ FCC Public Notice, *Commission Staff Seek Comment on Spectrum Issues Related to Third Generation Wireless/IMT-2000*, Rpt. No. IN 98-48, DA 98-1703 (rel. Aug. 26, 1998).

⁷ Comments of the Personal Communications Industry Association, In the Matter of Spectrum Issues Related to Third Generation Wireless/IMT-2000, Rpt. No. IN 98-48, at 5 (filed Sept. 30, 1998).

communications and the Internet as tools to enhance their effectiveness in the business place and their quality of life overall. Accordingly, it is critical that the Commission take steps to ensure that 3G technology not only is implemented in this country but is encouraged to flourish.

Wireless carriers in this country, working closely with their technology vendors, do expect to gain increased efficiencies that will allow them to offer more services using current spectrum. Unfortunately, it does not now appear that all 3G technology can be fully and most effectively implemented in the spectrum now available for mobile wireless services (*i.e.*, PCS, cellular, and SMR). To achieve the full benefit of the possibilities represented by 3G technologies, however, new spectrum allocations will eventually be necessary. Additional frequencies will be required in part to ensure that current users can be transitioned to new technologies and services without any disruption in service. New spectrum also will be necessary to accommodate the technical need for larger blocks of contiguous spectrum to support, among other things, multimedia intensive applications.

The 2110-2150 MHz band is suited for 3G applications. The generic allocation proposed by the *Third Notice* for fixed and mobile services is insufficient to foster effectively the full development of 3G services in the 2110-2150 MHz band. Allocating the 2110-2150 MHz block in a manner that permits deployment of 3G services has a number of public interest and very practical technical considerations in its favor. These frequencies are part of the band allocated on an international basis for IMT-2000 services, of which 3G services are a subset. Moreover, the subject frequencies are located relatively near the existing PCS spectrum blocks. As recognized by the Commission, the 2110-2150 MHz block has favorable propagation characteristics for high

density mobile applications.⁸ In addition, PCIA expects that, in part as a result of the proximity of the existing PCS and the 2110-2150 MHz frequencies, there should be certain economies in equipment manufacturing that will benefit both consumers and the providers of mobile wireless services.

PCIA recognizes that the Commission is constrained in part by the deadline established by the 1997 Budget Act for relicensing the 2110-2150 MHz frequencies. At the same time, it is essential that the Commission take the time necessary to engage in reasoned decision-making and careful planning for future wireless spectrum allocations and licensing. A haphazard approach will not serve the interests of the public, or the Commission, or the potential providers of service. The Commission's recent experience with authorizing and licensing the Wireless Communications Service ("WCS"), where the agency was operating under Congressional orders to create and license a service under an unreasonably short time frame, confirms the hazards of proceeding too hastily in planning for spectrum usage and licensing. Accordingly, the Commission should proceed with the reallocation of the 2110-2150 MHz frequencies as part of a larger spectrum allocation plan responsive to the needs of CMRS. Careful planning regarding the usage of spectrum will be essential to efficient frequency usage and to ensuring that the needs of the public for wireless services are met today and into the future.

Finally, the *Third Notice* raises a number of questions concerning the relocation of existing fixed microwave licensees in the 2110-2150 MHz band.⁹ PCIA recognizes that the frequencies under consideration in this docket were included in the so-called emerging

⁸ See *Third Notice*, ¶ 30.

⁹ See *id.*, ¶¶ 47-51.

technologies band in ET Docket No. 92-9,¹⁰ and thus are subject to microwave relocation requirements.¹¹ Nonetheless, it may well be appropriate for the Commission to re-evaluate the relocation process in light of the experiences of licensees to date in the emerging technologies band — an evaluation that would be more extensive than that contained in the *Third Notice*. PCIA will continue to review the experiences of its members with relocation of fixed microwave incumbents and to assess the proposals set forth in the *Third Notice*, and hopes to provide additional recommendations to the Commission in the future.

Thus, for the reasons stated above, the Commission should allocate 2110-2150 MHz in a manner that, *inter alia*, fosters deployment of 3G services. Moreover, the Commission should incorporate its planned spectrum reallocation in this docket with its efforts to engage in


¹⁰ See *Redevelopment of Spectrum To Encourage Innovation in the Use of New Telecommunications Technologies*, 7 FCC Rcd 6886, 6889-90 (1992) (First Report and Order and Third Notice of Proposed Rule Making).

¹¹ *Id.* at 6890.

rational planning for the steps necessary to meet the spectrum needs for 3G services and the public demand for wireless services.

Respectfully submitted,

**PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION**

By:  _____

Mary McDermott

Senior Vice President and Chief of Staff
for Government Relations

Mary Madigan Jones

Vice President, External Affairs

**PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION**

500 Montgomery Street, Suite 700

Alexandria, VA 22314-1561

(703) 739-0300

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